

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

**U.S.A. PARTS SUPPLY; CADILLAC
U.S.A.; and OLDSMOBILE U.S.A., L.P.,**

Appellants,

v.

**CIVIL ACTION NO.: 3:20-CV-145
(GROH)**

**MICHAEL CHIACCHIERI and
CHRISTOPHER CORRADO,**

Appellees.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is a Report and Recommendation (“R&R”) issued by United States Magistrate Judge Robert W. Trumble. ECF No. 23. Pursuant to 28 U.S.C. § 636(b)(1)(B), this action was referred to Magistrate Judge Trumble to consider the record, conduct hearings, and submit proposed findings of fact and recommendations for disposition of the pending motion. ECF No. 5. On November 2, 2020, Magistrate Judge Trumble issued his R&R, recommending that the Appellant’s Motion for Leave to Appeal an Interlocutory Order be denied. ECF No. 23.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to conduct a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, this Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file objections in a timely manner constitutes a waiver of *de novo* review and a plaintiff’s right to appeal this Court’s order. 28.U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United


States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984). Moreover, “[w]hen a party does make objections, but these objections are so general or conclusory that they fail to direct the district court to any specific error by the magistrate judge, *de novo* review is unnecessary.” Green v. Rubenstein, 644 F. Supp. 2d 723, 730 (S.D. W. Va. 2009) (citing Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)).

Objections to Magistrate Judge Trumble’s R&R were due within fourteen days after being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The R&R was entered and simultaneously transmitted to counsel on November 2, 2020. ECF No. 23. To date, no party has filed any objections to the R&R. Thus, this Court will review the R&R for clear error.

In his R&R, Magistrate Judge Trumble found that the Appellant did not demonstrate that exceptional circumstances exist to warrant allowing an appeal prior to entry of final judgment. Upon careful review, and finding no error of fact or law, the Court **ORDERS** that Magistrate Judge Trumble’s Report and Recommendation [ECF No. 23] is **ADOPTED** for the reasons more fully stated therein. The Appellant’s Motion for Leave to Appeal an Interlocutory Order [ECF No. 2] is **DENIED** and this matter shall be **DISMISSED WITHOUT PREJUDICE**.

The Clerk of Court is **DIRECTED** to **STRIKE** this case from the Court’s active docket. The Clerk is further **DIRECTED** to transmit copies of this Order to all counsel of record herein.

DATED: December 1, 2020


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE